

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 6109	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/IB2004/001853	International filing date (day/month/year) 27.05.2004	Priority date (day/month/year) 13.06.2003	
<p>International Patent Classification (IPC) or national classification and IPC B43K19/00, B43K1/00, G06F3/033</p> <p>Applicant FREUDIGER, Luca</p>			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 11.05.2005	Date of completion of this report 30.08.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Greiner, E Telephone No. +49 89 2399- 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IB2004/001853

IAP8 Rec'd PCT/PI10 08 DEC 2005

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
 - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

Description, Pages

1-3 as published

Claims, Numbers

1-6 as published

Drawings, Sheets

1/1 as published

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1,4,5
Inventive step (IS)	Yes: Claims	
	No: Claims	2,3,6
Industrial applicability (IA)	Yes: Claims	1-6
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

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Re Item V.

1. Reference is made to the following document:

- D1 = DE-A-101 18 859
- D2 = EP-A-0 512 114
- D3 = US-A-1 915 426

2. Novelty:

2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of independent claim 1 and of dependent claims 4 and 5 is not new in the sense of Article 33(2) PCT.

2.2 Document D1, cf. column 1, line 3 to column 3, line 36 and Figures 1 to 3, already discloses (the references in parentheses applying to this document) all features of present claims 1, 4 and 5, see e.g.:

"1. Pen (11) suitable for writing and/or typing on screens and/or keyboards of electronic equipment (abstract; column 1) such as computers, personal organizers, palmtops, telephones ..., comprising an elongated stem (8) provided at at least one end (9) with a coaxial cavity (Figures 2 and 3) able to house and retain inside it a rounded (1) tip (1, 13), characterized in that this tip (1, 13) is made of a material chosen from a group comprising synthetic or natural hard stones (paragraphs 0017 and 0018) and ceramic (paragraphs 0017 and 0018) materials.",

as well as:

- ceramic material (paragraph 0017)
- cylindrical seat tapered outwards (Figures 2 and 3)
- spherically rounded projecting end (claim 12, ...).

3. Inventive step:

3.1 Dependent claims 2, 3 and 6 do not contain any features which, in combination with

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the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step pursuant to Article 33(3) PCT, the reasons being as follows:

3.2 The features of dependent claims 2, 3 and 6 have already been employed for the same purpose in a similar pen, see

- (i) document D2, cf. abstract; page 5, lines 20 to 30, with regard to present claims 2 and 3, and
- (ii) document D3, cf. whole document, with regard to present claim 6.

It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a pen according to document D1, thereby arriving at a pen according to claims 2, 3 and 6.

4. Clarity:

- 4.1 The application does not meet the requirements of Article 6 PCT, because independent claim 1 is not clear.
- 4.2 The term: "or the like" used in claim 1 is vague and unclear and leaves the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claim 1 unclear, Article 6 PCT.